

No. PD-0845-20

TO THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
2/12/2021
DEANA WILLIAMSON, CLERK

ROY OLIVER
Appellant

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§

V.

THE STATE OF TEXAS,
Appellee

**MOTION FOR EXTENSION OF TIME
TO FILE APPELLANT'S BRIEF ON DISCRETIONARY REVIEW**

COMES NOW, ROY OLIVER, Appellant, by and through his attorney, ROBERT K. GILL, and files this his Motion for Extension of Time to File Appellant's Brief on Discretionary Review in the above-styled cause requesting an additional two (2) weeks; and in support of his Motion would show this Honorable Court as follows:

I.

Appellant was charged with the offense of murder in cause number F17-18595-V. His case was assigned to the 292nd Judicial District Court of Dallas County, Texas. Appellant was convicted in this case on August 29, 2018. The jury assessed Appellant's punishment at confinement in the Institutional Division of the Texas Department of Criminal Justice for fifteen years. A fine of \$10,000 was also assessed.

Appellant's conviction was affirmed by the Fifth Court of Appeals in cause number 05-18-001057-CR, styled Roy Oliver, Appellant v. The State of Texas, Appellee, on August 10, 2020. On January 13, 2021, Appellant' petition for discretionary review was granted by this

Honorable Court on ground number two of the petition.

II.

Appellant's brief was ordered to be filed 30 days after January 13.

Counsel is asking for a two (2) week extension in this case because counsel has a petition for discretionary review due on another case at the same time Appellant's brief is due and because counsel's law office remains short-staffed due to COVID-19. Counsel has not previously sought an extension in this matter.

Undersigned counsel has been attempting to effectively run a law practice while dealing with "social distancing" and "stay at home" orders issued in our local jurisdictions. Counsel has found it a challenge to perform routine law office functions while dealing with staff shortages and the need to devote more time to expedite local jail cases.

Because of this pending petition for discretionary review and other court business, counsel for Appellant has not been able to devote full time to Appellant's brief in the above-styled and numbered cause. Most of counsel's practice is in Tarrant County, Texas. There are 20 criminal courts in Tarrant County, and they set cases throughout the week for docket call. On average counsel answers dockets five days out of each week, a process normally requires attending court via video for up to half a day to accomplish the requirements of the court. Due to the COVID-19 issue these video court appearances have required more out of court work. Counsel has also been forced to devote more of his own time to the day to day functions of running a law office due to staff shortages.

Although undersigned counsel has been working diligently to prepare these various matters,

trying to file them all in this challenging period is an impossible task.

IV.

Because of above-noted appellate obligations and the challenging demands of running a law practice under these conditions, counsel for Appellant requests this extension of time for two (2) weeks not for purposes of delay but because it is necessary to render Appellant his constitutionally mandated effective assistance of counsel pursuant to the Sixth and Fourteenth Amendments to the U.S. Constitution and Art. 1, Sec. 9 of the Texas Constitution.

WHEREFORE, PREMISES CONSIDERED, Appellant respectfully prays that this Honorable Court grant his Motion for Extension of Time to File Appellant's petition for discretionary review in the above styled and numbered cause for two (2) weeks and extend the deadline for filing Appellant's brief to Monday, March 1, 2021.

Respectfully submitted,



BOB GILL

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ATTORNEY FOR APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion for extension was served via E-FILE TEXAS COURTS to the Dallas County District Attorney's Office, 133 North Riverfront Blvd., LB-19, Dallas, Texas, on February 11, 2021 at the email address of douglas.gladden@dallascounty.org and to the Office of the State Prosecuting Attorney at information@spa.texas.gov.



ROBERT K. GILL

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

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Case Contacts

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